



**United States  
Department of  
Agriculture**

**RCAP / RUS**

**Environmental Training**

# Environmental Training

**Purpose:** ● Preparation of an Environmental Report for an RD/RUS Applicant.

● ER we can use as our Environmental Assessment.

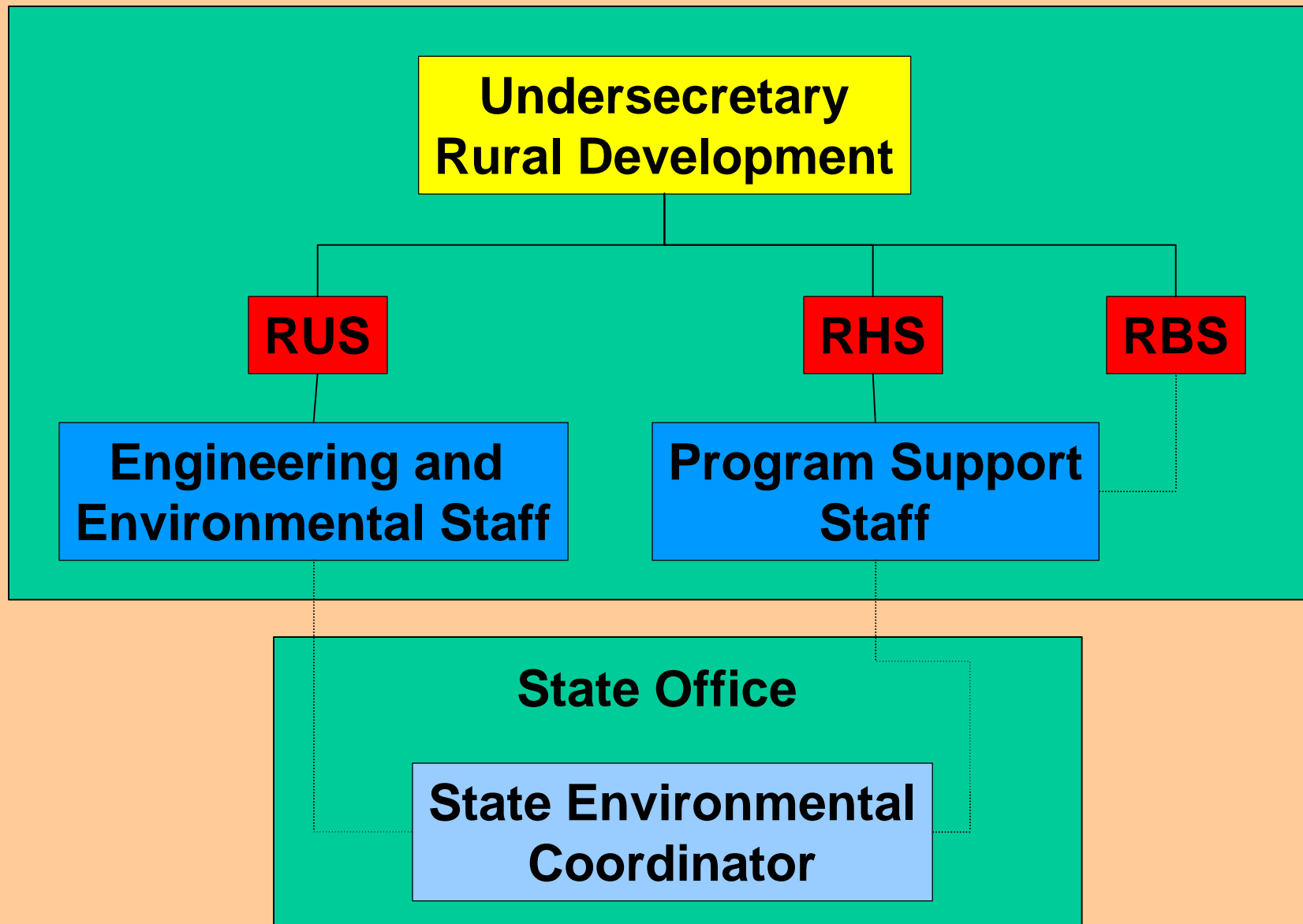
**Objective:**

- Review laws, policies, and procedures.
- Identify critical environmental issues.
- Identify sources of information.

# Course Overview

- **NEPA**
- **Other environmental laws - Non-NEPA**
- **RD/RUS policies and procedures**
- **Environmental Report**
- **Environmental issues and resources**
- **Tie together**

# RD/RUS Environmental Organization





# *National Environmental Policy Act (NEPA)*

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- *Signed January 1, 1970*
- *National Charter for Environmental Protection*
- *Establishes Environmental Policy for Federal Actions*
- *Provides for Availability of Info. to Public Officials & the Public*
- *Created the Council on Environmental Quality*

# *NEPA Requirements*

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- *Make Info. Available Prior to Decision & Action*
- *Focus on Significant Issues*
- *Integrate with Other Requirements*
- *Identify & Assess Reasonable Alternative Actions*
- *Restore & Enhance Quality Environment*
- *Avoid/ Minimize Adverse Effects*

# ***NEPA Documents***

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- ***Environmental Impact Statement***

- 1. Significant Impacts***
- 2. Major Federal Actions***

- ***Environmental Assessment***

- 1. Finding of No Significant Impact***
- 2. Impacts Significant → EIS***

- ***Categorical Exclusions***

***RUS Requirements for ERs***

# ***NEPANet***

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- ***CEQ Web Site***
- ***One-Stop NEPA Shopping***
- ***Legal Regulations & Interpretations***
- ***Env. Impact Analysis Data Links***
- ***CEQ Reports & others such as “The Ecosystem Approach”***
- ***Weekly EIS Summaries***

***Address: <http://ceq.eh.doe.gov>***



# ***NEPA Litigation***

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- *No EIS*
- *Inadequate EIS*
- *Inadequate EA*
- *No EA*
- *No Supplemental EIS*

## ***To Stand the Challenge***

- 1. Take Good Hard Look*
- 2. Make Good Faith Effort*



## *Council on Environmental Quality (CEQ)*

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- *Assigned to Executive Branch*
- *Chair, Kathleen McGinty*
- *Assists in Development of Policies & Proposed Legislation*
- *Annual Report to President*
- *Oversee Agency Implementation of EIS*



## *Council on Environmental Quality (CEQ)*

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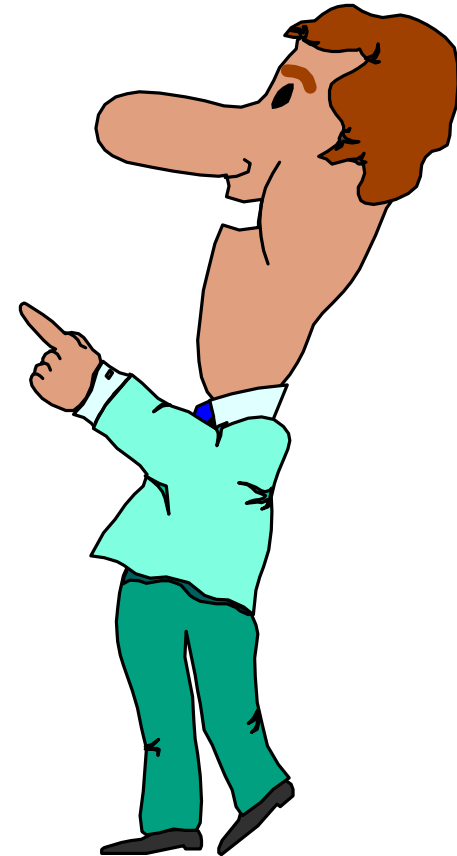
- *Foster Cooperation Between Federal, State, Local Government and Private Parties*
- *Interpret NEPA*
- *Develop & Interpret NEPA Regulations*
- *Approve Agency NEPA Regulations*

# *Definitions*

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- ***Cumulative Impact*** - Impact that results from the incremental impact of action when added to other past, present and reasonable foreseeable actions
- ***Mitigation*** - Avoiding, Minimizing, Rectifying, Reducing, & Compensating
- ***Significantly*** - Context ( the nation, region, locality, special interests) & Intensity (Effects to Public Health, Controversial, Unique or Unknown Risks, Etab. Precedent for Future Actions, Impacts to T&E Species & Historic Resources)

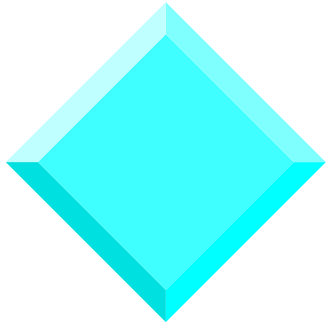
NEPA Review  
is Often Used as a  
Generic Term  
Incorporating an  
Array of Statutes,  
Regulations and  
Executive Orders



# ***Non-NEPA Requirements***

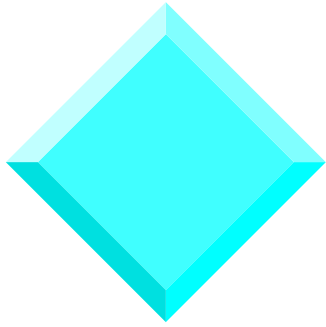
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- ***Endangered Species Act***
- ***National Historic Preservation Act***
- ***Farmland Protection Policy Act***
- ***Clean Water Act***
- ***Safe Water Drinking Act***
- ***Coastal Zone Management Act*** ←
- ***Coastal Barrier Resources Act*** ←
- ***Wild & Scenic Rivers Act*** ←
- ***Floodplain Management - EO 11988***
- ***Protection of Wetlands - EO 11990***



# *Floodplains*

Executive Order 11988  
Floodplain Management



# ***DEFINITIONS***





**Any lowland or relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.**



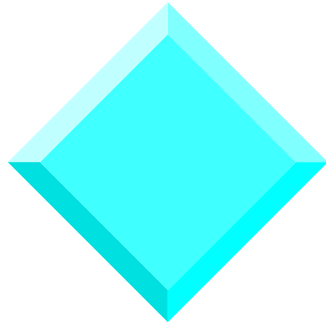
# ***100 YEAR FLOODPLAIN***

**Areas subject to inundation by a flood that has a 1-percent or greater chance of being equaled or exceeded during any given year. This type of flood is referred to as the base flood (chance of occurrence is 26% during a 30-year period). FEMA delineates these Special Flood Hazard Areas on their flood maps.**



## ***500 YEAR FLOODPLAIN***

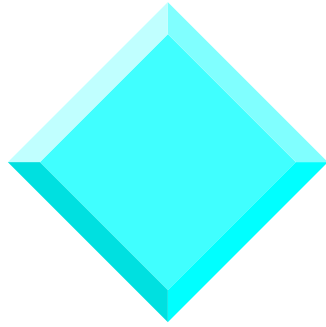
**When the effects of flooding would cause the loss or in operation of essential or irreplaceable facilities (critical action facilities), the minimum floodplain of concern is one having a 0.2 percent chance of occurrence in any given year.**



## ***CRITICAL ACTION***

**A critical action facility is a facility which, if located within a floodplain, poses a greater than normal risk for flood-caused loss of life or property.**

**Examples include schools, hospitals, storage facilities for highly flammable material, and data storage facilities.**



Requires Federal Agencies to  
Issue/Amend Existing  
Regulations/Procedures to Ensure That  
Potential Effects of Any Action That it  
May Take in a Floodplain is Evaluated  
and That its Budget Request Reflect  
Consideration of Flood Hazards and  
Floodplain Management



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Requires Federal Agencies to Avoid to the Extent Possible the Long and Short Term Adverse Impacts Associated with Occupancy and Modification of Floodplains



Requires Federal Agencies to Avoid  
Direct and Indirect Support of  
Floodplain Development Whenever  
There is a Practicable Alternative

**Objective is Avoidance**



# Wetlands

Executive Order 11990

Protection of Wetlands

# EO 11990



Requires Federal Agencies to Issue/Amend Existing Procedures to Ensure Consideration of Wetlands Protection in Their Decision Making Process

# EO 11990



Requires Federal Agencies to Avoid to the Extent Possible the Long and Short-term Adverse Impacts Associated with the Destruction or Modification of Wetlands

# EO 11990

- Requires Federal Agencies to Avoid Direct or Indirect Support of New Construction in Wetlands Wherever There is a Practicable Alternative
- **Objective is Avoidance**

# **Farmland Protection Policy Act**

# Farmland Protection Policy Act

## Purpose:

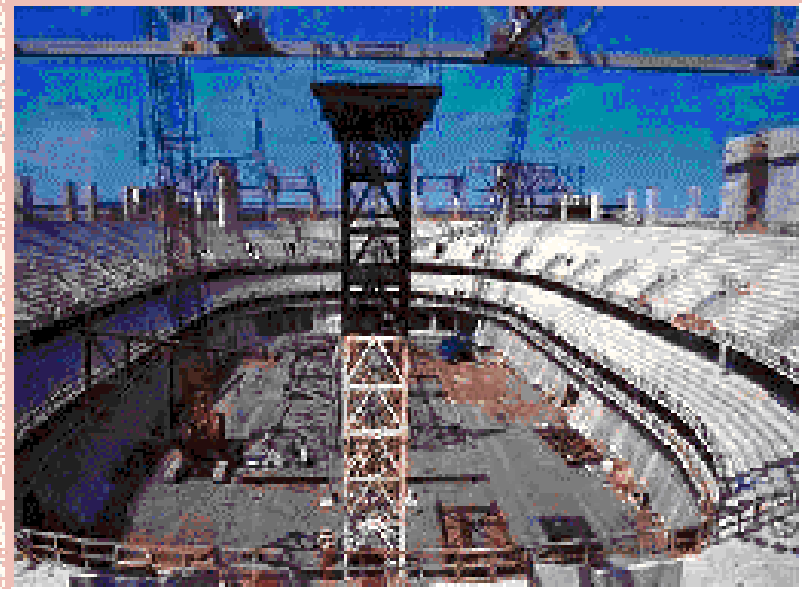
- Minimize conversion of farmland by Federal program.

- Federal programs compatible with State and local programs.



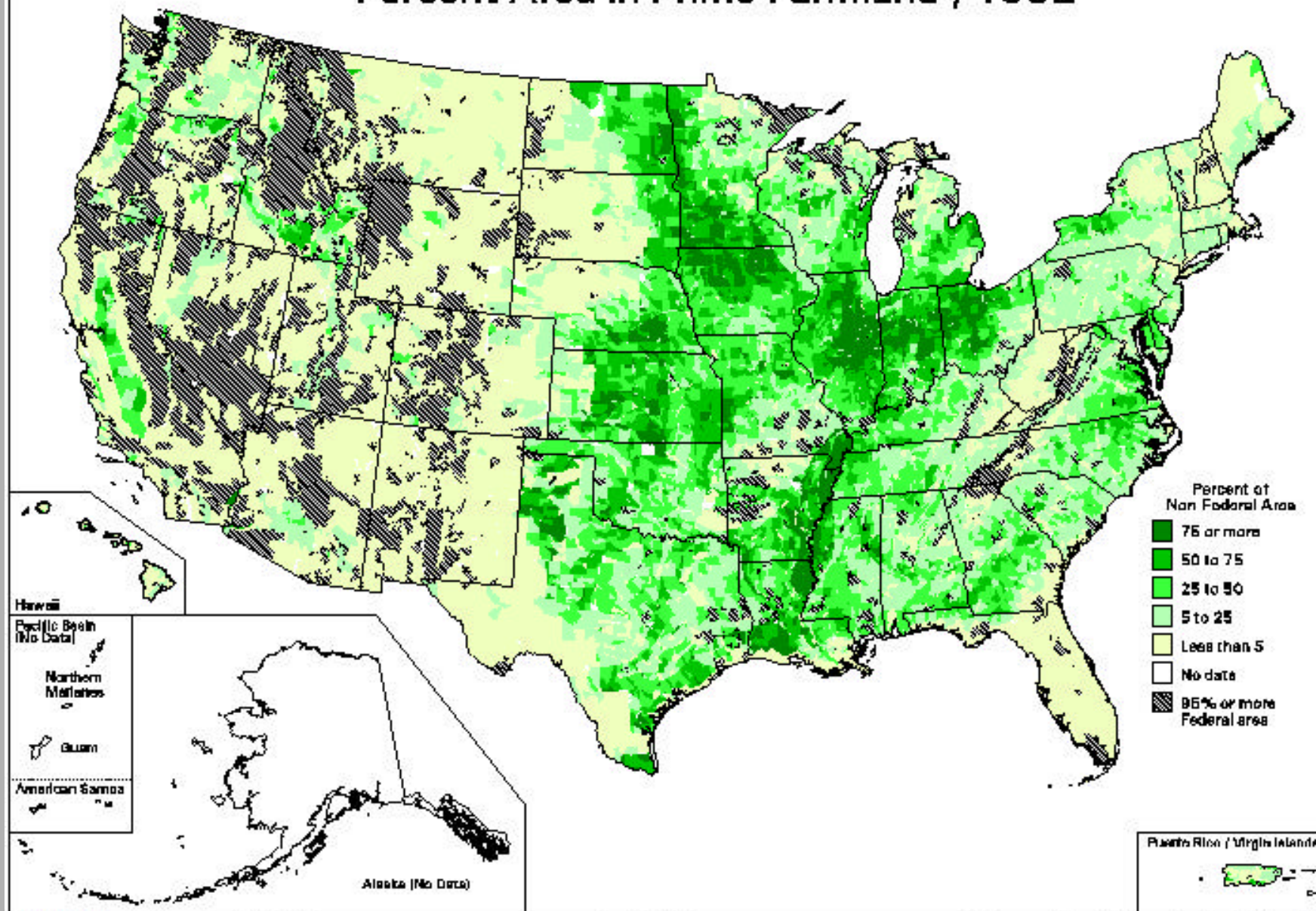
# Congressional Findings

- Farmland is a unique natural resource.
- Necessary for continued welfare of the people.
- Each year large amount of farmland is converted



**Continue**

# Percent Area in Prime Farmland , 1992



U.S. Department of Agriculture  
Natural Resources Conservation Service  
Resource Assessment and Strategic Planning Division  
Washington DC November 1987

Map ID: 2317  
For proper interpretation, see Explanation of  
Analysis for this map at our web site. Search  
for "USDA BOTL" to locate our map index.

Data Source: National Resource Inventory, 1992





# Congressional Findings



- Continued loss threatens ability to meet domestic and export needs.
- Undermines economic base of rural areas.

# Congressional Findings

- Federal actions often convert farmland.
- Other alternatives are available.



**USDA takes lead in avoiding conversion of farmland caused by Federal actions.**



**Continue**

# Important Farmland Categories

## Prime

- Best physical/chemical combination
- Minimum inputs for production

## Unique

- High value food/fiber crops
- Limited quantities
- Unique characteristics

## Statewide Importance

- Prime or unique by state standards

## Local Importance

- Prime or unique by local standards



**Farmland committed to:**

- **Urban development**
- **Water storage**

 **Close**

# Regulations

# FPPA Regulations 7 CFR 658

## According to the FPPA Regulations:

Where a private party or non-Federal unit of the government applies for Federal assistance to convert farmland to a nonagricultural use, the Federal agency is to:

- Identify adverse impacts of program on farmland preservation.
- Consider alternatives to lessen, avoid or mitigate adverse impacts.
- Ensure compatibility with state, local and private programs.

# Natural Resource Conservation Service (NRCS)

**Purpose with the FPPA:**



To provide assistance to Federal agencies to determine whether a proposed location or site meets the Act's definition of farmland.

# "Urban Development" or "Water Storage"

**Farmland "already in" urban development or water storage is defined as:**

1. All such land with a density of 30 structures per 40-acre area;
2. Lands identified as "urbanized area" (UA) on the Census Bureau map;
3. Urban areas mapped with "tint overprint" on United States Geological Service topographical maps;
4. Lands identified as "urban built-up" on USDA Important Farmland Maps.



**+ More +**



*Farmland "committed to" urban development or water storage*

**Farmland "committed to" urban development or water storage is defined as:**

All land that receives a combined score of 160 points or less from the Land Evaluation and Site Assessment Criteria (LESA).

Any land area that matches these criteria is not considered farmland.



 Close

# Clean Water Act

# Clean Water Act

- **Federal Water Pollution Control Act**
  - Title I - Research and Related Programs
  - Title II - Grants for Construction of Treatment Works
  - **Title III** - Standards and Enforcement
  - **Title IV** - Permits and Licenses
  - Title V - General Provisions
  - Title VI - State Water Pollution Control Revolving Funds

# **Clean Water Act**

- **Pertinent Title and Sections for RUS Actions**
  - **Title III Standards and Enforcement**
    - **Section 301 - Effluent Limitations**
    - **Section 302 - Water Quality Standards**
    - **Section 307 - Toxic and Pretreatment Standards**
    - **Section 319 - Non-point Source Management Programs**

# **Clean Water Act**

- **Title III Creates and Establishes**
  - **A series of standards that set limits on water pollution discharges**
  - **Mandatory activities meant to ensure compliance with these standards**

# **Clean Water Act, Title III**

- **Water quality standards established to protect the water quality of a body of water**
- **Minimum Designated Use Categories**
  - **Public Water Supplies**
  - **Use for Propagation of Fish or Wildlife**
  - **Recreation**
  - **Agriculture**
  - **Industrial**
  - **Navigation**

# **Clean Water Act, Title III**

- **Effluent Standards are Established for the Conventional and Toxic Pollutants**
  - **Conventional Pollutants**
    - **Biological Oxygen Demand (BOD)**
    - **Total Suspended Solids (TSS)**
    - **pH**
    - **Fecal Coliform**
    - **Oil and Grease**

# **Clean Water Act, Title III**

- **Non-Point Source Pollution Management Programs**
  - **Sources of Non-Point Source Pollution Include:**
    - **Farms**
    - **Parking Lots**
    - **Yards**
    - **Others areas where runoff is diffuse and nonspecific versus a point source (end of pipe)**



# **Clean Water Act, Title IV**

- **Permits and Licenses**
  - **Section 401 - Certification**
  - **Section 402 - National Pollution Discharge Elimination System**
  - **Section 404 - Permits for Dredged or Fill Material**

# **Clean Water Act, Title IV**

## **Section 401**

**All facilities with point source discharges must obtain a water quality certificate from State regulatory agencies (or USEPA) that the facility meets all water quality standards applicable to that type of facility**

# **Clean Water Act, Title IV**

## **Section 402**

- **National Pollutant Discharge Elimination System (NPDES)**
  - **Permitting program and enforcement mechanism to regulate pollutants from all point source discharges into navigable waters**
  - **Prior to issuing a NPDES permit, applicants must submit a water quality certificate to the permitting agency**

# Clean Water Act, Title IV

## Section 404

- Regulates the discharge of dredged or fill material into any navigable water (**wetland**)
- Most significant in the regulation of activities affecting wetlands

# Clean Water Act, Title IV

- **Section 404 multi-agency enforcement**
  - U. S. Environmental Protection Agency
  - U. S. Army Corps of Engineers - **Lead**
  - U. S. Fish and Wildlife Service
  - National Resource Conservation Agency

# **Clean Water Act, Title IV**

- **Section 404 Permits:**
  - **General**
    - For categories of routine activities (i.e., road crossings, utility line installations, etc)
    - May be issued by USACE on nationwide, regional, or State basis.
    - 80% of activities
  - **Individual**
    - For potentially significant activities
    - For actions not meeting general permit requirements

# **Clean Water Act, Title IV**

- **States have the authority under Section 401 to establish wetland permitting programs that partner the Section 404 process.**
- **Only two states currently have the wetland permitting programs - Michigan, New Jersey**

# **Safe Drinking Water Act**



# Safe Drinking Water Act

- **Title XIV - Safety of Public Water Supplies**
  - **Part A - Definitions**
  - **Part B - Public Water Systems**
  - **Part C - Protection of Underground Water Supplies**
  - **Part D - Emergency Powers**
  - **Part E - General Provisions**
  - **Part F - Add. Req. to Regulate the Safety of Drinking Water**

# Safe Drinking Water Act

- **Pertinent Parts that affect RUS activities**
  - **Part B - Public Water Systems**
    - National Primary Drinking Water Standards
    - Secondary Drinking Water Standards
    - Enforcement of Drinking Water Standards
  - **Part C - Protection of Underground Sources of Drinking Water**
    - Sole Source Aquifers

# **Safe Drinking Water Act**

- **Part B Public Water Systems**
  - **National Primary Drinking Water Regulations**
    - **Apply to all Public Water Systems**
    - **Establish Maximum Contaminant Levels (MCLs) for contaminants that have the greatest public health concern.**
    - **Establish Treatment Technology Requirements**
      - **Filtration**
      - **Disinfection**

# **Safe Drinking Water Act**

- **Enforcement of Drinking Water Standards**
  - **Enforcement is with the U. S. Environmental Protection Agency or by states with approved programs.**

# Safe Drinking Water Act

- **Part C - Protection of Underground Sources of Drinking Water**
  - **Sole Source Aquifer Demonstration Program**
  - **Wellhead Protection Areas**

# **Safe Drinking Water Act**

- **Sole Source Aquifers**
  - **A significant percentage of drinking water supplies are obtained from underground sources**
  - **For areas where the only source of drinking water are aquifers these areas may be designated sole source aquifers**
  - **Sole Source Aquifer areas are afforded special levels of protection.**

# **Safe Drinking Water Act**

- **Wellhead Protection Areas**
  - **SDWA mandates States establish wellhead protection programs; primary focus on public water supplies**
  - **For each well field supplying public water systems, a wellhead protection area must be defined and established based on hydrogeologic information**

# Endangered Species Act



As Amended by Public Law 97-304  
(The Endangered Species Act  
Amendments of 1982)



# Majors Sections of Interest



- Section 3 - Definitions
- Section 4 - Listing Process
- Section 6 - Cooperation with States
- Section 7 - Interagency Cooperation
- Section 9 - Prohibited Acts
- Section 10 - Exceptions

## Section 3 - Definitions

- **Endangered Species** - any species which is in danger of extinction throughout all or a significant portion of its range
- **Threatened Species** - any species which is likely to become endangered within the foreseeable future throughout all or a significant portion its range
- **Take** - harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to engage in such conduct

## Box Score as of 10/31/97

	Endangered	Threatened	With Plans
Mammals	57	7	41
Birds	75	15	74
Reptiles	14	18	30
Amphibians	9	7	11
Fishes	67	41	78
Snails	56	6	45
Crustaceans	24	9	21
Arachnids	5	0	4
Flowering Plants	523	113	390
Conifers	2	0	1
Ferns & Others	26	2	22
Totals	888	228	

# U.S. Fish and Wildlife Service World Wide Web Site



<http://www.fws.gov>  
(click on endangered species)